

ORIGINAL

ARIZONA CORPORATION COMMISSION
FORMAL COMPLAINT FORM



0000080196

COMPLAINT

FORMAL COMPLAINT

W-02479A-08-0034

ADDRESS

TO BOX 142 Vernon AZ. 85940-0142

PHONE (HOME)

NAME OF RESPONSIBLE PARTY

Tom Lord

PHONE (WORK)

NAME OF UTILITY

Lord Arizona Water

ACCOUNT NUMBER

GROUND(S) FOR COMPLAINT: (COMPLETE STATEMENT OF THE GROUNDS FOR COMPLAINT, INDICATING DATE(S) OF COMMISSION/OMISSION OR ACTS OR THINGS COMPLAINED OF.) (USE ADDITIONAL PAGE IF NECESSARY.)

ADEQ NOV Case ID# 35855 - failure to obtain approval to construct

attorney General office Sept. 14th 2006 Mark T. Florings assist Attorney General RE: Luthrell v. Lord April 13th 2006 ADEQ DW 39953

ADEQ CF# 20060389 date of actual receipt of submittal

April 25th 2006 ADEQ# 20060389 Notice of deficiencies because Lord Ar. water is in non compliance Civil action filed by us. Luthrell v Lord Ar. Water Apache Co. St. Johns Arizona

NATURE OF RELIEF SOUGHT: (USE ADDITIONAL PAGE IF NECESSARY.)

we would like to finish the project & wrap up the court case.

We would like to have drinking water ~~also~~ so that we would not have to haul water another year & through the winter & winter storms.

Arizona Corporation Commission

DOCKETED

JAN 15 2008

SIGNATURE OF COMPLAINANT OR ATTORNEY

Kenneth Luthrell

DOCKETED BY

ML

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

2008 JAN 15 PM 3:03

RECEIVED



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street Phoenix, Arizona 85007
(602) 771-2300 www.azdeq.gov



Stephen A. Owens
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #: 35855

August 1, 2005

Tom Lord
PO Box 142
Vernon, AZ 85940-0142

Subject: The Wilderness, 21740
LAT: 34d, 16', 32.427" N LNG: 109d, 44', 48.069" W

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that Tom Lord as the owner/operator of The Wilderness, has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during an inspection completed on July 28, 2005.

I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

1. **A.A.C. R18-5-505(B)**

Failure to obtain an Approval to Construct from ADEQ prior to modifying an existing public water system

On July 27, 2005, Buck Olberding performed an unannounced inspection of the Wilderness water service area and determined that water line extensions had been constructed without Approvals to Construct.

II. DOCUMENTING COMPLIANCE

1. Within 30 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or as built plans for the entire water system, testing documentation and an engineer's Certificate of Completion for all construction completed within the last two years.

III. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Northern Regional Office
1515 East Cedar Avenue Suite F Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street Suite 433 Tucson, AZ 85701
(520) 628-6733

Printed on recycled paper



Terry Goddard
Attorney General

Office of the Attorney General
State of Arizona

COPY

Mark Horlings
(602) 542-8086

MB

September 14, 2006

RECEIVED

SEP 18 2006

ef

BAIRD WILLIAMS & GREER

Michael C. Blair, Esq.
Baird William & Greer LLP
6225 North 24th Street, Suite 125
Phoenix, Arizona 85016

RE: Luttrell v. Lord

Dear Mr. Blair:

I am writing to follow up on your recent interviews of Buck Olberding and Mike Howeth, and the hearing at which Mr. Howeth appeared. The ADEQ Northern Regional Office reports that they are making progress with the engineer for the Defendants. However, the September 1, 2006 date was not met, and it does not appear that the work will be complete for another 30 to 60 days.

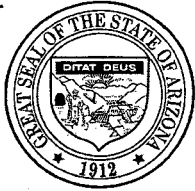
Feel free to call if you have questions.

Sincerely,

Mark Horlings
Mark T. Horlings
Assistant Attorney General

MTH/jmt
cc: Douglas E. Brown, Esq.
Buck Olberding, ADEQ NRO
Michael Howeth, ADEQ NRO

302193v9 jmt



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.adeq.state.az.us



Stephen A. Owens
Director

Notice of Actual Receipt of a Submittal

April 13, 2006

Murphy Engineering Group
Attn: John P. Murhpy, P.E.
1801 W. Deuce of Clubs, Suite 230
Show Low, AZ 85901

Licensing Time Frame tracking ID: DW 39953

Program application ID: ADEQ CF# 20060389, Ken & Diana Luttrell 4 Lots WL Ext. ATC app.

Dear Applicant:

ADEQ has received a submittal from you concerning the above referenced application. ADEQ review of your application is subject to the requirements of the licensing time frames statute under A.R.S. 41-1072 through 41-1079. This letter is the written notification of the date of actual receipt of your submittal required under A.A.C. R18-1-501(13)(c).

ADEQ has determined that the date of actual receipt of the submittal April 10, 2006.

This determination may be an appealable agency action under A.R.S. '41-1092(3) or a contested case under A.R.S. '41-1001(4). You have a right to request a hearing on an appealable agency action or a contested case and to request an informal settlement conference under A.R.S. '41-1092.06 and A.A.C. R18-1-203. To obtain a hearing on an appealable agency action or a contested case, you must file a notice of appeal within 30 days after receiving this letter.

For your information, operators of construction activities that disturb one (1) acre or more are required to submit a Notice of Intent (NOI), to obtain authorization under Stormwater Construction Permit as per the Arizona Pollutant Discharge Elimination System (AZPDES). A permit is required for any point source discharge of pollutants to a water of the United States. Most construction stormwater discharges are permitted under various general permits. Contact: ADEQ Sara Konrad, Water Quality Permits Unit, Telephone (602) 771-4449, or toll free in Arizona, (800) 234-5677, ext 4449. Email: sk2@azdeq.gov.

Sincerely,

Vivian Adams / NRO
Engineering Review Unit

Cc: Kenneth & Diana Luttrell, P.O. Box 85, Vernon, AZ 85940

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733



Janet Napolitano
Governor

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1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

Notice of Administrative Deficiencies

April 25, 2006

Kenneth & Diana Luttrell
POB 85
Vernon, AZ 85940

Re: *Project Clear View Estates Subdivision WL ext. application ID 20060389 LTF# 39953*

Dear Applicant:

ADEQ review of your application referenced above is subject to the requirements of the licensing time frames statute under A.R.S. § 41-1072 through § 41-1079 and the licensing time frames rules under A.A.C. R18-1-501 through R18-1-525. During the course of review of your application, ADEQ has determined that the application is not administratively complete in accordance with the licensing time frames statute and rules and does not contain all application components required by statute or rule and necessary for ADEQ to grant the license you requested.

This letter is the written notification of this determination required under A.R.S. § 41-1074 and A.A.C. R18-1-503(C). This determination causes the running of days within all time frames on your application to suspend until you respond with all information identified on the comprehensive list of specific deficiencies attached to this letter.

Failure to submit a complete application in accordance with R18-1-503(A) within **TWO MONTHS** of receipt of this notice means that ADEQ expects to proceed to a final licensing decision on your application without further notice.

You may, in lieu of submitting some or all of the components identified on the list, submit whatever information you believe necessary to support the grant of the license you requested along with a timely written "notice of intent to rely on the application components as submitted" under A.A.C. R18-1-205(B) and R18-1-520. A timely notice is one submitted prior to ADEQ making a licensing decision on your application and submitted within:

☒ **TWO MONTHS**, ☐ **ONE MONTH**, ☐ **TWO WEEKS**, ☐ **ONE WEEK**,

Upon receipt of a timely notice, ADEQ must either (1) rescind or modify its request for the application component or components objected to in your notice or (2) make a licensing decision. Also, if the running of days within the time frames is suspended, receipt of a timely notice by ADEQ will cause the running of days to resume. Please direct all submissions in response to this letter or any questions you may have regarding this matter, to myself at the Northern Regional Office, (928) 773-2703.

Sincerely,

Kurtis J. Harris, P.E.
Northern Regional Office (NRO), Water Quality Plan Review Unit Manager
khl@azdeq.gov, (928) 773-2705 fax

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
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